IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 15085 of 2004

Between:

P.Sardar Miya, S/o Maseen Saheb,
R/o P.Rudravaram Village, Kurnool Mandal, Kurnool District

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,

represented by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad
2 The Depot Manager, Andhra Pradesh State Road Transport Corporation,

Kurnool-II Depot, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering the case of the Petitioner as per Section 47 of Act 1 of 1996 the Persons with disabilities Act, 1995, while terminating the petitioner from service, is illegal, arbitrary and consequently direct the Respondent Corporation to consider the petitioner's case under Section 47 of Act 1 of 1996 the Persons with Disabilities Act, 1995 and reinstate the petitioner into service in any other suitable post, if petitioner found unfit for A-1 Category duties and award suitable compensation.

Counsel for the Petitioner: MR.M.GANGA RAO

Counsel for the Respondent Nos.1 and 2: MR.P.V.SWAMY

The Court made the following:

ORDER:

The petitioner worked as a driver in the respondent Corporation. He was made to retire from service on medical invalidation through the order dated 15.03.2001, issued by the 2nd respondent. He submitted a representation on 23.08.2002, requesting the respondents to provide him alternative employment, but no orders were passed by the respondents.

2. The petitioner, questioning the order of the retirement dated 15.03.2001, filed W.P.No.19535 of 2001, seeking alternative employment. The said writ petition was disposed of on 19.01.2001 by this Court without considering it on merits, with a direction to the respondents to consider the case of the petitioner for alternative employment of a Cleaner according to his turn on the basis of regional seniority, prepared by the concerned region, and taking into consideration the directives issued by the Division Bench in W.A.Nos.138 and 139 of 1995, dated 24.01.1996.

3. The petitioner, against the said Judgment of a learned single Judge, preferred W.A.S.R.89741 of 2003 with a delay condonation petition, covered by WAMP.No.2314 of 2003. The Division Bench of this Court, while dismissing the WAMP and WASR, reserved the liberty to the petitioner to take out whatever proceedings he can take in accordance with law for redressal of his grievance. The said order was passed by the Division Bench since he raised a new plea at the appellate stage that he is entitled for alternative employment under Section 47 of Act I of 1996.

4. Subsequent to the disposal of the writ appeal on 18.08.2003, the petitioner did not make any representation to the respondents, seeking alternative employment under Section 47 of Act I, 1996. He directly approached this Court, seeking a direction to the respondent for alternative employment.

5. The Writ Petition is premature. The petitioner is given liberty to make a representation to the respondents, and the respondents are directed to pass

appropriate orders, on presentation of such representation by the petitioner, according to Rules in force, and keeping in view of the provisions under Section 47 of Act I of 1996, within two months from the date of receipt of a representation from the petitioner.

6. The Writ Petition is, accordingly, disposed of. No order as to costs.

Note:

Issue CC in two days.

B/o.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To:

1. The Vice Chairman & Managing Director,

Andhra Pradesh State Road Transport Corporation,

Musheerabad, Hyderabad

2. The Depot Manager,

Andhra Pradesh State Road Transport Corporation,

Kurnool – II, Kurnool District

3. Two CD copies.